(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO 2480 OF 2001

PETITIONER

Kailash Krishnani
S/o L/Shri.Jagdish Chandra Krishnani, aged 30 years,
Occupation: Sole Proprietor of
M/s. Jagdish Medical Agency,
B-21, Nandani Road, Bhilai,
District Durg (C.G)

VERSUS

RESPONDENTS

1. Deputy Director,
Food & Drugs Administration,
Distt.Durg (C.G)

2. Sub Divisional Magistrate,
Durg (C.G)

3. Naib Tahsildar,
Durg (C.G)

4. Collector (Licence)
Durg (C.G)

P.R. No. 2481
Presented by Shri ... Advocate
dated 26/11/01

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI MANDAMUS PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS.

(3)

Amendment incorporated As per C.O. dated 23-1-02

Counsel for Petitioner 31-1-2002

5. State of Chhattisgarh,
Department of Food & Civil Supplies,
D.K.S. Bhawan,
Raipur (C.G.)

6. Drug inspector & Licensing Authority,
Durg (C.G.)

Affected Rlu 31/1/02
AR(J)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(87)

आदेश पत्रक

मामला क्रमांक W.P.No. 2480/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	06.02.2002.	

Heard Shri Manindra Shrivastava, counsel for the petitioner, Dr. N.K.Shukla, Addl. Adv. General for the State/ respondents and Shri Kanak Tiwari, counsel for the intervener.

The petitioner has, in this petition, prayed for issuance of writ of mandamus quashing the impugned order of cancellation of licence including all proceedings drawn by the respondents culminating in issuance of impugned order of cancellation of licence.

The case of the petitioner is that the petitioner was duly granted drug licence under the Provisions of the Drugs and Cosmetics Act,1940 and Rules made thereunder in the year 1997. The said licence has been cancelled by the 6th respondent by his order dated 19.11.2001. The grievance of this petitioner is that before passing the impugned order dt.19.11.2001, the 6th respondent has not issued any show cause notice to the petitioner, hence the order passed by the 6th respondent is in violation of principles of natural justice.

Learned Additional Advocate General appearing with Shri

[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Ranbir Singh, Govt. Advocate for the State submitted that 6th respondent has issued notice on 9/13 -11-2001. The impugned order was passed on 19.11.2001 and the same was dispatched on the same day.

Thus it is clear that the 6th respondent has passed the impugned order dated 19.11.2001 without issuing prior show cause notice to the petitioner for cancellation.

In the facts and circumstances of the case, the impugned order passed by the 6th respondent dt. 19.11.2001, which has been passed in violation of principles of natural justice, cannot be sustained. The impugned order dt. 19.11.2001 passed by the 6th respondent cancelling the licence issued in favour of the petitioner is quashed. However, the 6th respondent is at liberty to issue fresh show cause notice to the petitioner and thereafter, pass appropriate orders in accordance with law.

The petition stands disposed of.

Certified copy as per rules.

Sd/-
Chief Justice

GRPRJ—FS/311—1/2001—50,000.